

ANDOVER BOARD OF HEALTH
Minutes
August 15, 2011, 6:00 P.M.
First Floor Conference Room
36 Bartlet Street

The Board of Health Meeting was called to order at 6:20 p.m. Present were Ms. Candace B. Martin, Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Dr. Donald H. Miller, Vice-Chairman, was not present due to a scheduling conflict. The Meeting began late due to a traffic accident on the highway which delayed Ms. Martin.

I. Approval of Minutes

- **Board of Health Meeting of June 13, 2011**

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the Minutes of the Board of Health Meeting of June 13, 2011. Unanimous approval.

- **Board of Health Meeting of July 11, 2011**

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the Minutes of the Board of Health Meeting of July 11, 2011. Unanimous approval.

II. Appointments & Hearings

- **Update – Gayle Wells for 21 Off Webster Street; Appeal of Condemnation Order (Continued)** – Mr. Carbone informed the Board that he received an e-mail from the Engineer stating that he would be using a new type of system and will have the plans done by the end of the week, so he was requesting a continuance of the Hearing.

Motion by Ms. Martin, seconded by Ms. Kellman, to continue the Hearing until the next scheduled Board of Health Meeting on September 12, 2011. Unanimous approval.

- **7:00 p.m. – Public Health Interns' Projects:**

- **Deborah Case – Web Site Project** – Ms. Case stated that she was very pleased with her experience as an Intern with the Town of Andover. She was able to go on food, pool and septic inspections with the Health Inspectors, as well as a tour of the Water Treatment Plant. Some of the other Interns she spoke with did not get those experiences. She would never have had an opportunity to do these things at school where she studied Bio-statistics. She has recently started a new job in Boston doing data collection and helping to clean and analyze data.

Ms. Case's project, which she demonstrated on a poster, was to develop ideas for updating the Town of Andover web site for the Health Division. Some of her ideas were to have announcements, quick contact information, and the addition of a mailing list where a resident can receive alerts or announcements via e-mail or phone. A Facebook page is also a good idea. Ms. Case stated that she reviewed the Emergency Preparedness information and would set up contacts and a list of what you should have and do in case of emergencies. All links to other sites for help would be self-explanatory and very easy to use. Mr. Carbone stated Ms. Case's ideas are a roadmap and that reorganizing the web site was one of the things we could do right away.

Ms. Case stated some of the projects other Interns worked on were a Hoarding Task Force, community gardens, and Wellness Projects. Mr. Carbone stated that the projects of the other Interns could be utilized and shared with other communities as well.

- **Andrew Solomon, Deer Tick Surveillance Project** – Mr. Solomon informed the Board that he is studying Epidemiology and will be done in May. His project was Deer Tick Surveillance. He explained that Andover has recently allowed bow hunting of deer, and that proponents feel that this will help to reduce the incidences of Lyme Disease as 90% of deer ticks feed on deer. He worked with the Andover Conservation Division as well as the hunters. He researched how to collect ticks and where they most likely would be. There were two things he found that he could try – flagging with a piece of fabric or trapping by using a foam cooler with dry ice which creates carbon dioxide and attracts ticks. He did several experiments with flagging, where fabric is dragged through the brush and ticks can be counted on the fabric. During that process he only picked up one tick. Mr. Solomon tried using the traps, but did not catch any deer ticks; all he found were dog ticks in one of the traps. He determined that the flagging was the best way to attract the deer tick. To be consistent, it would best to go to the same spot for each test. He went to Haggetts Pond which has the grassiest areas by the trails. Mr. Carbone stated that he would like to use Mr. Solomon's statistics as a foundation to what he hopes to be five years of data. Mr. Solomon stated that he was surprised to learn there were a lot of deer ticks here.

Mr. Carbone stated that he intends to display the poster presentations in the Town Office Lobby for the public to view.

III. Discussion

- **Set Meeting Dates for Remainder of Year:** The Board decided on November 14 and December 12, 2011 for the last two Board of Health Meetings for 2011.
- **Resignation of Elizabeth Logue as Emergency Preparedness Coordinator** – Mr. Carbone explained that Ms. Logue had a personal issue that she took Family Leave

for, but ended up needing to resign. She has agreed to stay to help on an hourly basis until a replacement can be found for her. Within a couple of weeks, Director of Public Health for North Andover, Susan Sawyer, and Director of Public Health in Methuen, Brian LaGrasse, will meet to evaluate changes due to the withdrawal of Reading from the public health coalition to the Mystic Valley organization. Reading will also be withdrawing from the Tobacco Control Program. With Reading withdrawing, their share of the money for the Greater Lawrence Public Health Coalition and the Tobacco Control Program will no longer be available. Adjustments will have to be made to both programs.

IV. Old Business

- N/A

V. Definitive Subdivision Plans

- **Pine Forest Park Definitive Subdivision** – Present were Mr. Luke Roy, Engineer from O’Neil Associates and the applicant, Mr. Angelo Petrosino. The plans for the Health Division are still the same, but they had to withdraw from the Planning Board because of issues which required them to make modifications to their plan. Therefore, they need the Board of Health to approve the plans. Mr. Roy presented the Board with the complete reduced Definitive Subdivision Plans for Pine Forest Park, dated May 1, 2009.¹

Motion by Ms. Kellman, seconded by Ms. Martin to approve the Pine Forest Park Definitive Subdivision with the following conditions:

- A. *All dwellings shall be limited to no more than 4 bedrooms, 9 rooms total as allowed in 310 CMR 15.000.*
- B. *The following permitting sequence shall be followed for each individual lot:*
 - a. *Installation and testing of the well.*
 - b. *If the well fails to meet water quality standards, a variance to the well regulations shall be sought, and a proposal for treatment shall be submitted.*
 - c. *If the well meets water quality standards, or if the Board of Health approves alternate treatment methods, then the septic system design shall be submitted for review and approval (the plan shall show the actual location of the installed well).*
 - d. *Once the septic system design is approved, the foundation permit may be obtained, and the foundation installed.*
 - e. *A Certified Plot Plan showing the location of the well and foundation, as well as the elevation of the top of foundation, shall be submitted for review and approval. If the plan shows reasonable conformance with the approved plans, a permit to install the septic system may be issued.*

¹ The complete reduced plans have been added to the packet after page 13.

- f. Prior to the issuance of a Certificate of Compliance for the septic system, a second water sample shall be obtained for testing, and shown to comply with required standards. Where alternative treatment has been approved, this sample must be obtained after the treatment system is installed and operating.*
- C. Any modification, amendment, or change to the above-cited Definitive Plan shall be submitted as a new or modified Definitive Plan in accordance with the provisions of MGL Chapter 41, Section 81U.*
- D. Subject to Conservation Commission approval of the above dated plan by Order of Conditions or Negative Determination.*

Unanimous approval.

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approval (LUA)

- **2 Pendant Court – LUA to Allow SAS to be 4' above the Water Table, 5' Required** – Mr. Carbone had no issues with this LUA and recommended approval.

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the LUA to allow SAS to be 4' above the Water Table, where 5' is required. Unanimous approval.

- **22 Blanchard Street – LUA to Allow SAS to be 4' above the Water Table, 5' required; Allow Tank to be 11' from BVW, 25' Required** – Mr. Carbone explained to the Board that this is an upgrade to a failed system, was approved by the Conservation Commission and required the two LUA's. At the request of the Conservation Commission, the force main that comes from the pump chamber out to the leachfield will be sleeved so it will be a double wall pipe. Mr. Carbone supplied the Board with the reduced plan provided by Soilsmith Designs.² Mr. Carbone recommended approval.

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the LUA to Allow the SAS to be 4' above the Water Table, where 5' is required; allow tank to be 11' from BVW, where 25' is required. Unanimous approval.

- **440 Lowell Street – LUA to Allow SAS to be 53' from a Wetland Bordering a Tributary to a Water Supply, 100' Required** – Present was Mr. Greg Bernard, R.S., Design Engineer, who submitted the design for a replacement system. The property currently has a failed cesspool in the back of the lot. It is roughly 550' from Haggetts Pond. There is a tributary to the surface water supply which the plan meets the setback to, but the plan does not meet the setback to the wetlands

² The reduced plan has been added to the packet after page 16.

bordering the tributary. Title V requires you to be 100', so the Applicant is requesting an LUA to 50' from the wetland bordering the tributary to a surface water supply. The dwelling is currently a three bedroom home, and will remain a three bedroom home. There is a u-shaped driveway, so the system is going to have to go into the driveway on the left side which will be loamed and seeded and that part of the hot top will be removed. This plan will also be going to the Conservation Commission Meeting the first week in September, and he asked that any approval this evening be conditioned upon Conservation Commission approval. The cesspool will be pumped, crushed and filled with clean granular material. The wetland markers were flagged by an on-site survey company. Mr. Carbone stated that they maximized the distance on the setback and would be more worried if it was close to the tributary. The wetland is a natural filter, and he believes it is the best that can be done. Mr. Carbone recommended approval.

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the LUA to Allow SAS to be 53' from a Wetland Bordering a Tributary to a Water Supply, where 100' is Required, with the condition that this is subject to Conservation Commission approval, and any changes to the plan will require it to be brought back to the Board of Health for reevaluation. Unanimous approval.

- **30 Fosters Pond Road – LUA to Allow SAS to be 86' from a Well, 100' Required; SAS to be 17' from Foundation, 20' Required – Reconsideration due to Lack of Response** – Mr. Carbone explained to the Board that when the Board heard this matter in June, 2011, the question was whether the test results on the fecal coliform level met the requirements of Title V. When Mr. Carbone contacted our lab, he was told that the results did not meet Title V requirements, so additional testing was required. Mr. Carbone notified the Engineer when that happened, and asked three times since for the updated testing, but the Engineer has not submitted it. Mr. Carbone asked the Board to reopen the Hearing and deny the LUA's without prejudice so the plans could come back when they have the new water test results.

Motion by Ms. Martin, seconded by Ms. Kellman, to open the Hearing to deny without prejudice the LUA request to allow the SAS to be 86' from a Well, where 100' is required; SAS to be 17' from Foundation, where 20' is required. Unanimous disapproval.

VII. Staff Reports

A. Director's Reports:

- **Important Dates:**
 - August 17 through 28 – Director's Vacation
 - September 12 at 6 p.m. – Board of Health Meeting
 - October 17, 2011 at 6 p.m. – Board of Health Meeting
 - October 25 – 28, 2011 – MHOA Conference

- **Mosquito Issues** – Present was Mr. Jack Card, Director of the Northeast Mosquito Control and Wetlands Management District (NMCWMD) to inform the Board about the positive findings for West Nile Virus (WNV). The results from Friday were that there were two positive mosquito pools for WNV in Andover. This year their primary target was North Andover because they had positive results last year. Mr. Card stated that he uses historical data because they are never sure where the first positive results will be. This type of mosquito, the Culex, likes the manmade wet areas as opposed to natural wetland areas. Even in a drought, the dryer the weather gets and people start watering gardens and lawns, more birds and mosquitoes are attracted to those areas. The Town of Andover treats the catch basins, but that only kills the larvae, where pre-emptive spraying kills the adult mosquitoes. Pre-emptive spraying may kill other species as well and will help to minimize the risk of both WNV and EEE. Mr. Card explained that we are seeing the Culex mosquito earlier than normal, normal being around Labor Day, and since spraying can be compromised by cold weather, he felt that now would be the best time to do the spraying. Weather permitting, the spraying is done in the evening hours; usually between 9 p.m. and 12:00 a.m. and is administered by a truck with ultra-low volume sprayers that cover an area about 300 feet from the street and dissipates quickly. An insecticide called Anvil would be used and has been used in other communities in our area. Mr. Carbone supplied to the Board two maps showing the area that would need to be sprayed - northerly of a line that runs from Route 125 Bypass Road and follows Prospect Road, Salem Street, Phillips Street, Reservation Road, to Beacon Street, toward the Lawrence and North Andover town boundaries.³

Ms. Martin asked what kind of notification would be needed if the Board decided to do the spraying. Mr. Carbone replied that he would utilize the newspapers, the Town website, the Cable TV station, and would notify the Police Department as well. Ms. Kellman suggested the police send out a reverse 911 phone message to the residents in the area that would be affected.

After discussion, the Board decided that the threat of WNV to the residents of Andover was greater than any possible negative effects from the use of Anvil. The spraying will be done either Wednesday, August 17 or Thursday, August 18, 2011 as long as there is no rain or strong winds. Mr. Card suggested informing residents that they should stay off the streets between 9:00 p.m. and 12:00 a.m. They do not need to close their windows unless they want to. Mr. Carbone will write a Press Release informing the residents why the spraying will be done and when, the name of the insecticide, the procedure, and answers to frequently asked questions. A couple of slides will be made for the Cable TV station and Mr. Carbone will ask the police to do a Reverse 911 call.

Motion by Ms. Martin to authorize the treatment and do so as needed in the future according to the recommendations from the testing if additional positive traps are found, then we would also

³ The two maps have been added to the packet after page 9.

give authorization as needed to Mr. Carbone to pursue spraying other areas of Town. The motion was not seconded per comments below:

Mr. Card explained to the Board that the NMCWMD would not spray without the express authorization of the Board of Health. Mr. Carbone agreed and stated that he would prefer to consult with the Board first, before making the decision to spray again.

Ms. Martin restated her motion. Motion by Ms. Martin, seconded by Ms. Kellman, to authorize the spraying of the areas outlined on the map, and to schedule the spraying as soon as possible. Unanimous approval.

- **Business and Economic Development Discussion by the Board of Selectmen (Not on Agenda)** – Mr. Carbone explained that the Town Manager is currently working with the Selectmen to put together their plan for the Town's future goals and objectives. One of the discussions they are having is the formation of an Economic and Development Committee or Council to encourage people to come to Town. Town Manager, Mr. Stapczynski, is thinking that it might make sense for members of the different Regulatory Boards to be a part of that. He would like a Board Member from the Conservation Commission, Board of Health, and Planning Board to be there and be the voice for the regulatory side. Some ideas were discussed and Mr. Carbone stated that there is a possibility of putting together a permitting guide for businesses who hope to open up in Andover, so the applicant knows what to expect. The Town Manager is hoping that one of the Board of Health Members would be interested in participating. The meetings may be once a month, or only when businesses are interested, and could be in the morning or evening. Ms. Martin wondered if she and Ms. Kellman could alternate months as co-members. Mr. Carbone replied that right now the Town Manager is looking for feedback whether or not there would be interest. Ms. Martin and Ms. Kellman told Mr. Carbone to relay to the Town Manager that they would support this if they were able to share the responsibility.

B. Nurses' Reports for July, 2011 – The Nurses' Reports for July, 2011, were for informational purposes only.

C. Inspectors' Reports for July, 2011 – The Inspectors' Reports for July, 2011 were for informational purposes only.

VIII. Board Member Reports

- N/A

IX. Adjournment

Motion by Ms. Martin, seconded by Ms. Kellman, to adjourn at 8:11 p.m. Unanimous approval.